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FBI's 'Perfect Cover-Up' for Burglaries

By Orr Kelly
Washington Star Staff Writer

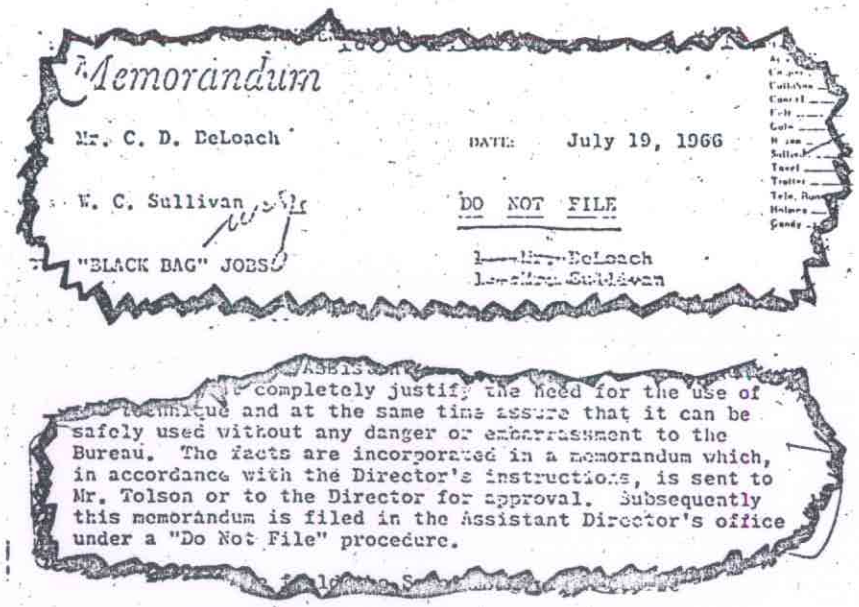
The FBI used a special "Do Not File" procedure to keep secrets out of its carefully indexed regular files.

Existence of the special procedure was revealed yesterday when a 1966 FBI memo headed "Do Not File" was made public by the Senate Intelligence Committee.

"To me, this is the perfect cover-up," Sen. Richard S. Schweiker, R-Pa., exclaimed.

It would be perfectly possible, he said, for an FBI official to testify he had made a thorough search of bureau files and found no record of something which had, in fact, occurred.

"They can testify in a court of law that such a thing never occurred and technically be telling the truth," he said.



Memorandum

Mr. C. D. DeLoach

DATE: July 19, 1966

W. C. Sullivan

DO NOT FILE

"BLACK BAG" JOBS

completely justify the need for the use of technique and at the same time assure that it can be safely used without any danger or embarrassment to the Bureau. The facts are incorporated in a memorandum which, in accordance with the Director's instructions, is sent to Mr. Tolson or to the Director for approval. Subsequently this memorandum is filed in the Assistant Director's office under a "Do Not File" procedure.

"DO NOT FILE" memo revealed at Senate hearing.

THE MEMO released yesterday concerned the bureau's use of the "black bag," or burglary technique, to gain information.

It was written on July 19, 1966, by W.C. Sullivan, then assistant director in charge of the domestic intelligence division, to Cartha D. (Deke) DeLoach, then an assistant on the personal staff of J. Edgar Hoover. Both men have since retired.

"We do not obtain authorizaton for 'black bag' jobs from outside the bureau," the memo said. "Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, 'black bag' jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation."

The memo then went on to detail how the Do Not File system worked.

When an agent in the field felt he needed to resort to burglary to get information, his superior would call an assistant director of the bureau in Washington. The assistant director would write a memo, get approval from Hoover or his aide, Clyde Tolson, and then keep the memo in his own office without putting it in the regular FBI files.

THE SPECIAL agent in charge in the city where the burglary was to be carried out would write a similar memo and put it in his safe. He would take it out the next time the bureau inspectors visited his office to prove he had authority for the burglary — and then he would destroy the memo.

Charles Brennan, who served as a top aide to Sullivan and later rose to head the domestic intelligence division himself, told the committee that every document in the normal FBI files has a number. Thus, if a paper were put into the files, it would be impossible to remove it without leaving a gap in the numbering system that would indicate the removal.

The extent to which the Do Not File technique worked to keep secrets even within the bureau itself was indicated when Brennan was asked to estimate how many black bag jobs had occurred during his 26 years in the bureau.

He guessed maybe 30 or 40.

SEN. FRANK Church, D-Idaho, the committee chairman, then read from an FBI report showing that 14 domestic subversive groups had been subjected to more than 268 surreptitious entries between 1942 and April 1968. There were also numerous black bag jobs directed against three domestic subversive groups between October 1952 and June 1966, Church said.

Brennan, who is now retired from the bureau, said he had never engaged in a black bag job himself.

In a press conference on July 14, FBI Director Clarence M. Kelley confirmed the long-rumored use of the burglary technique by the bureau. He said Hoover in 1966 had ordered the practice stopped except in unusual circumstance and that there had been only a few such cases since that time. None of them, he said, had occurred since he took office in July of 1973.